

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

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UNITED STATES OF AMERICA

Plaintiff,

vs.

Case No. 1:18-CR-03984 KWR

QUENTIN VENENO, Jr.,

Defendant.


**ORDER GRANTING IN PART GOVERNMENT’S NOTICE OF INTENT AND  
MOTION IN LIMINE TO PERMIT EVIDENCE OF UNCHARGED CONDUCT**

THIS MATTER comes before the Court upon the Government’s Notice of Intent and Motion in Limine to Permit Evidence of Uncharged Conduct, filed July 27, 2020 (**Doc. 75**). The Government sought to introduce Defendant’s prior convictions to prove elements under a habitual offender statute, 18 U.S.C. § 117(a)(1). The Government also sought to introduce other uncharged conduct under Fed. R. Evid. 404(b) to prove which injuries occurred under the charged rather than uncharged conduct, and to show motive and lack of mistake. The Court held a hearing on the motion on September 14, 2020 and heard the parties’ arguments.

For the reasons stated on the record at that hearing, the Court finds that the Government’s motion is well taken in part and therefore is **GRANTED IN PART**. At the hearing, Defendant stipulated to two convictions, therefore pursuant to *Old Chief v. United States*, 519 U.S. 172, 117 S.Ct. 644, 136 L.Ed.2d 574 (1997) the stipulations will be introduced in lieu of admission of other evidence of the convictions.

However, for the reasons stated on the record, the Court will allow the Government to introduce evidence of other prior uncharged conduct pursuant to Fed. R. Evid. 404(b).

**IT IS SO ORDERED.**



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KEA W. RIGGS  
UNITED STATES DISTRICT JUDGE